

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CAS S. TANNER,

Plaintiff,

v.

FREEMAN HONDA, ET AL.,

Defendants.

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No. 3:09-CV-2209-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Plaintiff has not objected to the findings, conclusions, and recommendation of the magistrate judge. Instead, she has made a November 15, 2010 request for appropriate forum — state court. She appears to recognize that this court lacks subject matter jurisdiction and that she must pursue her lawsuit in state court. To the extent she requests relief from this court, however, the court lacks jurisdiction to grant it. Additionally, this case was filed in this court originally, not removed from state court. Therefore, this court lacks a procedural means to remand her case to the state forum. Instead, the court must dismiss the case without prejudice, which it is doing by judgment filed today.

SO ORDERED.

November 17, 2010.



SIDNEY A. FITZWATER
CHIEF JUDGE